

1 Laurence M. Rosen, Esq. (SBN 219683)

2 **THE ROSEN LAW FIRM, P.A.**

3 355 South Grand Avenue, Suite 2450

4 Los Angeles, CA 90071

5 Telephone: (213) 785-2610

6 Facsimile: (213) 226-4684

7 Email: lrosen@rosenlegal.com

8 Counsel for Plaintiff

9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 DAVID HEED, Individually and on
13 Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 UNIVERSAL HEALTH SERVICES,
17 INC., ALAN B. MILLER, and
STEVE FILTON,

18 Defendants.

19 Case No:

20 **CLASS ACTION COMPLAINT
FOR VIOLATION OF THE
FEDERAL SECURITIES LAWS**

21 **JURY TRIAL DEMANDED**

22 Plaintiff David Heed (“Plaintiff”), individually and on behalf of all other
23 persons similarly situated, by Plaintiff’s undersigned attorneys, for Plaintiff’s
24 complaint against Defendants (defined below), alleges the following based upon
25 personal knowledge as to Plaintiff and Plaintiff’s own acts, and information and
26 belief as to all other matters, based upon, *inter alia*, the investigation conducted by
27 and through Plaintiff’s attorneys, which included, among other things, a review of
28 the defendants’ public documents, conference calls and announcements made by
defendants, United States Securities and Exchange Commission (“SEC”) filings,
wire and press releases published by and regarding Universal Health Services, Inc.

1 (“Universal Health” or the “Company”), analysts’ reports and advisories about the
 2 Company, and information readily obtainable on the Internet. Plaintiff believes
 3 that substantial evidentiary support will exist for the allegations set forth herein
 4 after a reasonable opportunity for discovery.

5 **NATURE OF THE ACTION**

6 1. This is a federal securities class action on behalf of a class consisting
 7 of all persons other than Defendants who purchased or otherwise acquired
 8 publicly traded Universal Health securities between February 26, 2015 and
 9 December 7, 2016, both dates inclusive (the “Class Period”). Plaintiff seeks to
 10 recover compensable damages caused by Defendants’ violations of the federal
 11 securities laws and to pursue remedies under Sections 10(b) and 20(a) of the
 12 Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5
 13 promulgated thereunder.

14 **JURISDICTION AND VENUE**

15 2. The claims asserted herein arise under and pursuant to §§10(b) and
 16 20(a) of the Exchange Act (15 U.S.C. §§78j(b) and §78t(a)) and Rule 10b-5
 17 promulgated thereunder by the SEC (17 C.F.R. §240.10b-5).

18 3. This Court has jurisdiction over the subject matter of this action
 19 under 28 U.S.C. §1331 and §27 of the Exchange Act.

20 4. Venue is proper in this District pursuant to §27 of the Exchange Act
 21 (15 U.S.C. §78aa) and 28 U.S.C. §1391(b) as Defendants conduct business and
 22 operate facilities in this district, and a significant portion of the Defendants’
 23 actions, and the subsequent damages, took place within this District.

24 5. In connection with the acts, conduct and other wrongs alleged in this
 25 Complaint, Defendants, directly or indirectly, used the means and
 26 instrumentalities of interstate commerce, including but not limited to, the United
 27 States mail, interstate telephone communications and the facilities of the national
 28 securities exchange.

PARTIES

6. Plaintiff, as set forth in the accompanying Certification, purchased Universal Health securities at artificially inflated prices during the Class Period and was damaged upon the revelation of the alleged corrective disclosure.

7. Defendant Universal Health, through its subsidiaries, owns and operates acute care hospitals, behavioral health centers, surgical hospitals, ambulatory surgery centers, and radiation oncology centers. The Company is incorporated in Delaware with principal executive offices located at Universal Corporate Center, 367 South Gulph Road, King of Prussia, Pennsylvania 19406. The Company operates a facility in this district at 4619 Rosemead Boulevard, Rosemead, CA 91770. The Company's Class B common stock trades on the NYSE under the ticker symbol "UHS".

8. Defendant Alan B. Miller (“Miller”) has been the Chairman and Chief Executive Officer (“CEO”) of Universal Health since 1978.

9. Defendant Steve Filton (“Filton”) has been the Chief Financial Officer (“CFO”) and Senior Vice President of Universal Health since February 2003. Defendant Filton has also served as Universal Health’s Secretary since September 1999.

10. Defendants Miller and Filton are sometimes referred to herein as the "Individual Defendants."

11. Each of the Individual Defendants:

- (a) directly participated in the management of the Company;
- (b) was directly involved in the day-to-day operations of the Company at the highest levels;
- (c) was privy to confidential proprietary information concerning the Company and its business and operations;

- 1 (d) was directly or indirectly involved in drafting, producing,
2 reviewing and/or disseminating the false and misleading
3 statements and information alleged herein;
- 4 (e) was directly or indirectly involved in the oversight or
5 implementation of the Company's internal controls;
- 6 (f) was aware of or recklessly disregarded the fact that the false
7 and misleading statements were being issued concerning the
8 Company; and/or
- 9 (g) approved or ratified these statements in violation of the federal
10 securities laws.

11 12. Universal Health is liable for the acts of the Individual Defendants
12 and their employees under the doctrine of *respondeat superior* and common law
13 principles of agency because all of the wrongful acts complained of herein were
14 carried out within the scope of their employment.

15 13. The scienter of the Individual Defendants and other employees and
16 agents of Universal Health are similarly imputed to Universal Health under
17 *respondeat superior* and agency principles.

18 14. Defendant Universal Health and the Individual Defendants are
19 referred to herein, collectively, as the "Defendants."

20 **SUBSTANTIVE ALLEGATIONS**
21 **Materially False and Misleading Statements**

22 15. On February 26, 2015, the Company filed a Form 10-K for the fiscal
23 year ended December 31, 2014 (the "2014 10-K") with the SEC, which provided
24 the Company's year-end financial results and position and stated that the
25 Company's internal control over financial reporting and disclosure controls and
26 procedures were effective as of December 31, 2014. The 2014 10-K was signed by
27 Defendants Miller and Filton. The 2014 10-K also contained signed certifications
28 pursuant to the Sarbanes-Oxley Act of 2002 ("SOX") by Defendants Miller and

1 Filton attesting to the accuracy of financial reporting, the disclosure of any
 2 material changes to the Company's internal controls over financial reporting, and
 3 the disclosure of all fraud.

4 16. The 2014 10-K stated the various commitments that Universal Health
 5 abides by in order to achieve "long-term results" for investors, stating in pertinent
 6 part:

7 *Our Mission*
 8

9 Our mission and objective is to provide superior healthcare
 10 services that patients recommend to families and friends, physicians
 11 prefer for their patients, purchasers select for their clients, employees
 12 are proud of, and investors seek for long-term results. To achieve this,
 we have a commitment to:

- 13 • service excellence
- 14 • continuous improvement in measurable ways
- 15 • employee development
- 16 • ethical and fair treatment
- 17 • teamwork
- 18 • compassion
- 19 • innovation in service delivery

20 17. The 2014 10-K stated that Universal Health has "a comprehensive
 21 ethics and compliance program that is designed to meet or exceed applicable
 22 federal guidelines and industry standards" and that it believes it complies with
 23 governmental regulations governing the healthcare industry, stating in pertinent
 24 part:
 25

1 We monitor all aspects of our business and have developed a
 2 comprehensive ethics and compliance program that is designed to
 3 meet or exceed applicable federal guidelines and industry
 4 standards...we believe our policies, procedures and practices comply
 5 with governmental regulations...

6 18. On February 25, 2016, the Company filed a Form 10-K for the fiscal
 7 year ended December 31, 2015 (the "2015 10-K") with the SEC, which provided
 8 the Company's year-end financial results and position and stated that the
 9 Company's internal control over financial reporting and disclosure controls and
 10 procedures were effective as of December 31, 2015. The 2015 10-K was signed by
 11 Defendants Miller and Filton. The 2015 10-K also contained signed SOX
 12 certifications by Defendants Miller and Filton attesting to the accuracy of financial
 13 reporting, the disclosure of any material changes to the Company's internal
 14 controls over financial reporting, and the disclosure of all fraud.

15 19. The 2015 10-K stated the various commitments that Universal Health
 16 abides by in order to achieve "long-term returns" for investors, stating in pertinent
 17 part:

18 ***Our Mission***

19 Our mission and objective is to provide superior quality
 20 healthcare services that patients recommend to families and friends,
 21 physicians prefer for their patients, purchasers select for their clients,
 22 employees are proud of, and investors seek for long-term returns. To
 23 achieve this, we have a commitment to:

- 24 • service excellence
- 25 • continuous improvement in measurable ways
- 26 • employee development
- 27 • ethical and fair treatment

- 1 • teamwork
- 2 • compassion
- 3 • innovation in service delivery
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5 20. The 2015 10-K stated that Universal Health has “a comprehensive
 6 ethics and compliance program that is designed to meet or exceed applicable
 7 federal guidelines and industry standards” and that it believes it complies with
 8 governmental regulations governing the healthcare industry, stating in pertinent
 9 part:

10 11 We monitor all aspects of our business and have developed a
 12 comprehensive ethics and compliance program that is designed to
 13 meet or exceed applicable federal guidelines and industry
 14 standards...we believe our policies, procedures and practices comply
 15 with governmental regulations...

16 21. On May 6, 2016, the Company filed a Form 10-Q for the quarter
 17 ended March 31, 2016 (the “1Q 2016 10-Q”) with the SEC, which provided the
 18 Company’s first quarter 2016 financial results and position and stated that the
 19 Company’s disclosure controls were effective as of March 31, 2016. The 1Q 2016
 20 10-Q also disclosed that, as of March 31, 2016, “[t]here have been no changes in
 21 our internal control over financial reporting or in other factors during the first
 22 quarter of 2016 that have materially affected, or are reasonably likely to materially
 23 affect, our internal control over financial reporting.” The 1Q 2016 10-Q was
 24 signed by Defendants Miller and Filton. The 1Q 2016 10-Q contained signed SOX
 25 certifications by Defendants Miller and Filton attesting to the accuracy of financial
 26 reporting, the disclosure of any material changes to the Company’s internal
 27 controls over financial reporting, and the disclosure of all fraud.

28 22. On August 5, 2016, the Company filed a Form 10-Q for the quarter
 ended June 30, 2016 (the “2Q 2016 10-Q”) with the SEC, which provided the

1 Company's second quarter 2016 financial results and position and stated that the
 2 Company's disclosure controls were effective as of June 30, 2016. The 2Q 2016
 3 10-Q also disclosed that, as of June 30, 2016, "[t]here have been no changes in our
 4 internal control over financial reporting or in other factors during the second
 5 quarter of 2016 that have materially affected, or are reasonably likely to materially
 6 affect, our internal control over financial reporting." The 2Q 2016 10-Q was
 7 signed by Defendants Miller and Filton. The 2Q 2016 10-Q contained signed SOX
 8 certifications by Defendants Miller and Filton attesting to the accuracy of financial
 9 reporting, the disclosure of any material changes to the Company's internal
 10 controls over financial reporting, and the disclosure of all fraud.

11 23. On November 8, 2016, the Company filed a Form 10-Q for the
 12 quarter ended September 30, 2016 (the "3Q 2016 10-Q") with the SEC, which
 13 provided the Company's third quarter 2016 financial results and position and
 14 stated that the Company's disclosure controls were effective as of September 30,
 15 2016. The 3Q 2016 10-Q also disclosed that, as of September 30, 2016, "[t]here
 16 have been no changes in our internal control over financial reporting or in other
 17 factors during the third quarter of 2016 that have materially affected, or are
 18 reasonably likely to materially affect, our internal control over financial
 19 reporting." The 3Q 2016 10-Q was signed by Defendants Miller and Filton. The
 20 3Q 2016 10-Q contained signed SOX certifications by Defendants Miller and
 21 Filton attesting to the accuracy of financial reporting, the disclosure of any
 22 material changes to the Company's internal controls over financial reporting, and
 23 the disclosure of all fraud.

24 24. The statements referenced in ¶¶ 15 – 23 above were materially false
 25 and/or misleading because they misrepresented and failed to disclose the
 26 following adverse facts pertaining to the Company's business, operational and
 27 financial results, which were known to Defendants or recklessly disregarded by
 28 them. Specifically, Defendants made false and/or misleading statements and/or

1 failed to disclose that: (1) Universal Health admitted patients based on its own
 2 financial considerations and not upon the medical necessity of the patient; (2)
 3 Universal Health would keep patients admitted until their insurance payments ran
 4 out in order to ensure the maximum payment for its services; (3) as a result,
 5 Universal Health's revenues from inpatient care relied on unsustainable practices;
 6 (4) in turn, Universal Health lacked effective internal control concerning its
 7 practices and policies of admitting patients; and (5) as a result, Universal Health's
 8 public statements were materially false and misleading at all relevant times.

9 **The Truth Emerges**

10 25. On December 7, 2016, *BuzzFeed* published an article titled “Intake”,
 11 detailing its year-long investigation into Universal Health, which was “based on
 12 interviews with 175 current and former UHS staff, including 18 executives who
 13 ran UHS hospitals; more than 120 additional interviews with patients, government
 14 investigators, and other experts; and a cache of internal documents.” The report
 15 stated that “[c]urrent and former employees from at least 10 UHS hospitals in nine
 16 states said they were under pressure to fill beds by almost any method – which
 17 sometimes meant exaggerating people’s symptoms or twisting their words to make
 18 them seem suicidal – and to hold them until their insurance payments ran out.”
 19 The report further stated that “[t]wo dozen current and former employees from 14
 20 UHS facilities across the country told BuzzFeed News that the rule was to keep
 21 patients until their insurance ran out in order to get the maximum payment,” and
 22 that “scores of employees from at least a dozen UHS hospitals said those facilities
 23 tried to keep beds filled even at the expense of the safety of their staff or the rights
 24 of the patients they were locking up.” The report also quoted Rick Buckelew, a
 25 Universal Health employee who ran Austin Lakes Hospital in Texas until 2014,
 26 who stated that “[i]f an insurance company gave you so many days, you were
 27 expected to keep the patient there that many days” and that this “was a ‘common
 28

1 practice' that was openly discussed in regional conferences as well as phone calls
 2 with hospital executives."

3 26. On this news, shares of Universal Health fell \$15.01 per share, or
 4 nearly 12%, from its previous closing price to close at \$111.36 per share on
 5 December 7, 2016, damaging investors.

6 27. As a result of Defendants' wrongful acts and omissions, and the
 7 precipitous decline in the market value of the Company's Class B common stock,
 8 Plaintiff and other Class members have suffered significant losses and damages.

9 **PLAINTIFF'S CLASS ACTION ALLEGATIONS**

10 28. Plaintiff brings this action as a class action pursuant to Federal Rule
 11 of Civil Procedure 23(a) and (b)(3) on behalf of a Class, consisting of all those
 12 who purchased or otherwise acquired Universal Health Class B common stock
 13 publicly traded on the NYSE during the Class Period (the "Class"); and were
 14 damaged upon the revelation of the alleged corrective disclosure. Excluded from
 15 the Class are Defendants herein, the officers and directors of the Company, at all
 16 relevant times, members of their immediate families and their legal
 17 representatives, heirs, successors or assigns and any entity in which Defendants
 18 have or had a controlling interest.

19 29. The members of the Class are so numerous that joinder of all
 20 members is impracticable. Throughout the Class Period, Universal Health's Class
 21 B common stock was actively traded on the NYSE. While the exact number of
 22 Class members is unknown to Plaintiff at this time and can be ascertained only
 23 through appropriate discovery, Plaintiff believes that there are hundreds or
 24 thousands of members in the proposed Class. Record owners and other members
 25 of the Class may be identified from records maintained by Universal Health or its
 26 transfer agent and may be notified of the pendency of this action by mail, using
 27 the form of notice similar to that customarily used in securities class actions.

1 30. Plaintiff's claims are typical of the claims of the members of the
2 Class as all members of the Class are similarly affected by Defendants' wrongful
3 conduct in violation of federal law that is complained of herein.

4 31. Plaintiff will fairly and adequately protect the interests of the
5 members of the Class and has retained counsel competent and experienced in class
6 and securities litigation. Plaintiff has no interests antagonistic to or in conflict with
7 those of the Class.

8 32. Common questions of law and fact exist as to all members of the
9 Class and predominate over any questions solely affecting individual members of
10 the Class. Among the questions of law and fact common to the Class are:

- 11 • whether the federal securities laws were violated by Defendants' acts
12 as alleged herein;
- 13 • whether statements made by Defendants to the investing public
14 during the Class Period misrepresented material facts about the
15 financial condition, business, operations, and management of
16 Universal Health;
- 17 • whether Defendants' public statements to the investing public during
18 the Class Period omitted material facts necessary to make the
19 statements made, in light of the circumstances under which they were
20 made, not misleading;
- 21 • whether the Individual Defendants caused Universal Health to issue
22 false and misleading SEC filings and public statements during the
23 Class Period;
- 24 • whether Defendants acted knowingly or recklessly in issuing false
25 and misleading SEC filings and public statements during the Class
26 Period;
- 27 • whether the prices of Universal Health's Class B common stock
28 during the Class Period were artificially inflated because of the
Defendants' conduct complained of herein; and

- whether the members of the Class have sustained damages and, if so, what is the proper measure of damages.

33. A class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. Furthermore, as the damages suffered by individual Class members may be relatively small, the expense and burden of individual litigation make it impossible for members of the Class to individually redress the wrongs done to them. There will be no difficulty in the management of this action as a class action.

34. Plaintiff will rely, in part, upon the presumption of reliance established by the fraud-on-the-market doctrine in that:

- Defendants made public misrepresentations or failed to disclose material facts during the Class Period;
- the omissions and misrepresentations were material;
- Universal Health Class B common stock is traded in efficient markets;
- the Company's shares were liquid and traded with moderate to heavy volume during the Class Period;
- the Company traded on the NYSE, and was covered by multiple analysts;
- the misrepresentations and omissions alleged would tend to induce a reasonable investor to misjudge the value of the Company's Class B common stock; and
- Plaintiff and members of the Class purchased and/or sold Universal Health Class B common stock between the time the Defendants failed to disclose or misrepresented material facts and the time the true facts were disclosed, without knowledge of the omitted or misrepresented facts.

1
2 35. Based upon the foregoing, Plaintiff and the members of the Class are
3 entitled to a presumption of reliance upon the integrity of the market.
4
5 36. Alternatively, Plaintiff and the members of the Class are entitled to
6 the presumption of reliance established by the Supreme Court in *Affiliated Ute*
7 *Citizens of the State of Utah v. United States*, 406 U.S. 128, 92 S. Ct. 2430 (1972),
8 as Defendants omitted material information in their Class Period statements in
violation of a duty to disclose such information, as detailed above.

9 **COUNT I**

10 **Violation of Section 10(b) of The Exchange Act and Rule 10b-5**
Against All Defendants

11 37. Plaintiff repeats and realleges each and every allegation contained
12 above as if fully set forth herein.

13 38. This Count is asserted against Universal Health and the Individual
14 Defendants and is based upon Section 10(b) of the Exchange Act, 15 U.S.C. §
15 78j(b), and Rule 10b-5 promulgated thereunder by the SEC.

16 39. During the Class Period, Universal Health and the Individual
17 Defendants, individually and in concert, directly or indirectly, disseminated or
18 approved the false statements specified above, which they knew or deliberately
19 disregarded were misleading in that they contained misrepresentations and failed
20 to disclose material facts necessary in order to make the statements made, in light
21 of the circumstances under which they were made, not misleading.

22 40. Universal Health and the Individual Defendants violated §10(b) of
23 the 1934 Act and Rule 10b-5 in that they:

24
25 • employed devices, schemes and artifices to defraud;
26
27 • made untrue statements of material facts or omitted to state material
28 facts necessary in order to make the statements made, in light of the
circumstances under which they were made, not misleading; or

1 • engaged in acts, practices and a course of business that operated as a
2 fraud or deceit upon plaintiff and others similarly situated in
3 connection with their purchases of Universal Health Class B common
4 stock during the Class Period.

5 41. Universal Health and the Individual Defendants acted with scienter
6 in that they knew that the public documents and statements issued or disseminated
7 in the name of Universal Health were materially false and misleading; knew that
8 such statements or documents would be issued or disseminated to the investing
9 public; and knowingly and substantially participated, or acquiesced in the issuance
10 or dissemination of such statements or documents as primary violations of the
11 securities laws. These defendants by virtue of their receipt of information
12 reflecting the true facts of Universal Health, their control over, and/or receipt
13 and/or modification of Universal Health allegedly materially misleading
14 statements, and/or their associations with the Company which made them privy to
15 confidential proprietary information concerning Universal Health, participated in
16 the fraudulent scheme alleged herein.

17 42. Individual Defendants, who are the senior officers and/or directors of
18 the Company, had actual knowledge of the material omissions and/or the falsity of
19 the material statements set forth above, and intended to deceive Plaintiff and the
20 other members of the Class, or, in the alternative, acted with reckless disregard for
21 the truth when they failed to ascertain and disclose the true facts in the statements
22 made by them or other Universal Health personnel to members of the investing
23 public, including Plaintiff and the Class.

24 43. As a result of the foregoing, the market price of Universal Health
25 Class B common stock was artificially inflated during the Class Period. In
26 ignorance of the falsity of Universal Health's and the Individual Defendants'
27 statements, Plaintiff and the other members of the Class relied on the statements
28 described above and/or the integrity of the market price of Universal Health Class

1 B common stock during the Class Period in purchasing Universal Health Class B
2 common stock at prices that were artificially inflated as a result of Universal
3 Health's and the Individual Defendants' false and misleading statements.

4 44. Had Plaintiff and the other members of the Class been aware that the
5 market price of Universal Health Class B common stock had been artificially and
6 falsely inflated by Universal Health's and the Individual Defendants' misleading
7 statements and by the material adverse information which Universal Health's and
8 the Individual Defendants did not disclose, they would not have purchased
9 Universal Health's Class B common stock at the artificially inflated prices that
10 they did, or at all.

11 45. As a result of the wrongful conduct alleged herein, Plaintiff and
12 other members of the Class have suffered damages in an amount to be established
13 at trial.

14 46. By reason of the foregoing, Universal Health and the Individual
15 Defendants have violated Section 10(b) of the 1934 Act and Rule 10b-5
16 promulgated thereunder and are liable to the plaintiff and the other members of the
17 Class for substantial damages which they suffered in connection with their
18 purchase of Universal Health Class B common stock during the Class Period.

19 **COUNT II**

20 **Violation of Section 20(a) of The Exchange Act**
21 **Against The Individual Defendants**

22 47. Plaintiff repeats and realleges each and every allegation contained in
the foregoing paragraphs as if fully set forth herein.

23 48. During the Class Period, the Individual Defendants participated in the
24 operation and management of Universal Health, and conducted and participated,
25 directly and indirectly, in the conduct of Universal Health's business affairs.
26 Because of their senior positions, they knew the adverse non-public information
27 regarding Universal Health's business practices.

1 49. As officers and/or directors of a publicly owned company, the
2 Individual Defendants had a duty to disseminate accurate and truthful information
3 with respect to Universal Health's financial condition and results of operations,
4 and to correct promptly any public statements issued by Universal Health which
5 had become materially false or misleading.

6 50. Because of their positions of control and authority as senior officers,
7 the Individual Defendants were able to, and did, control the contents of the various
8 reports, press releases and public filings which Universal Health disseminated in
9 the marketplace during the Class Period. Throughout the Class Period, the
10 Individual Defendants exercised their power and authority to cause Universal
11 Health to engage in the wrongful acts complained of herein. The Individual
12 Defendants therefore, were "controlling persons" of Universal Health within the
13 meaning of Section 20(a) of the Exchange Act. In this capacity, they participated
14 in the unlawful conduct alleged which artificially inflated the market price of
15 Universal Health's Class B common stock.

16 51. Each of the Individual Defendants, therefore, acted as a controlling
17 person of Universal Health. By reason of their senior management positions
18 and/or being directors of Universal Health, each of the Individual Defendants had
19 the power to direct the actions of, and exercised the same to cause, Universal
20 Health to engage in the unlawful acts and conduct complained of herein. Each of
21 the Individual Defendants exercised control over the general operations of
22 Universal Health and possessed the power to control the specific activities which
23 comprise the primary violations about which Plaintiff and the other members of
24 the Class complain.

25 52. By reason of the above conduct, the Individual Defendants are liable
26 pursuant to Section 20(a) of the Exchange Act for the violations committed by
27 Universal Health.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

A. Determining that the instant action may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, and certifying Plaintiff as the Class representative;

B. Requiring Defendants to pay damages sustained by Plaintiff and the Class by reason of the acts and transactions alleged herein;

C. Awarding Plaintiff and the other members of the Class prejudgment and post-judgment interest, as well as their reasonable attorneys' fees, expert fees and other costs; and

D. Awarding such other and further relief as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury.

Dated: December 23, 2016

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

By: /s/ Laurence M. Rosen
Laurence M. Rosen, Esq. (SBN 219683)
355 S. Grand Avenue, Suite 2450
Los Angeles, CA 90071
Telephone: (213) 785-2610
Facsimile: (213) 226-4684
Email: lrosen@rosenlegal.com

Counsel for Plaintiff